

SUMMARY OF CLAIMS

Claims 1-31 have been canceled. Claims 42-45 are withdrawn. Claims 32-41 are currently under consideration. No new matter has been added. Reconsideration is respectfully requested in light of the following remarks.

REMARKS

The Examiner identified the following patentably distinct species in the claims and has required restriction to one of them:

- A. Group I, Claims 32-40, drawn to methods of determining an ischemic stroke, classified in class 436 subclass 506 for example.
- B. Group II, Claims 32 and 42-45, drawn to methods of determining acute stroke, classified in class 435 subclass 7.1 for example.

Applicants provisionally elect without traverse the species of Group I for examination. Upon allowance of the elected species, the Examiner is required to conduct searches for other species within the genus. Applicants reserve the right pursuant to 37 C.F.R. §1.141 to pursue claims to the non-elected species or subgenus in this application in the event that a generic claim is found allowable. Applicants also wish to reserve the rights in accordance with 37 CFR §1.104 to request in rejoinder of method or process claims, when the respective product claims are substantially found allowable.

CONCLUSION

Applicants submit that this paper fully addresses the Office Action mailed January 22, 2009. Should the Examiner have any questions, the Examiner is encouraged to contact the undersigned attorney at (650) 849-3383. The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. 23-2415 (Docket No. 36671-743.503).

Respectfully submitted,

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